

DOCKET NO.: PUAM-0257
Application No.: 10/631,883
Office Action Dated: March 31, 2006

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS

The present amendment constitutes a Request for Continued Examination under 37 C.F.R. § 1.114 in lieu of appeal. Upon entry of this amendment, claims 1, 5-23, 26-32, 35-38, and 102-116 will be pending. Some of the requested claim amendments were previously presented in Applicants' Response filed on February 28, 2006, but were not entered by the Examiner in the Advisory Action dated March 31, 2006. Claims 1 and 102 have now been further amended to more clearly define the invention. Applicants respectfully request entry of the present amendments. Support for these amendments can be found throughout the specification and do not constitute new matter.

Applicants note with appreciation that the Examiner has withdrawn certain rejections in view of Applicants' February 28 Response. In particular, the Examiner has acknowledged that the rejection of claims 102 and 107 as being indefinite for recital of the phrase "substituted amino group" has been overcome, the rejections of claims 1, 5-23, 26-38, and 102-116 as being indefinite for recital of the phrase "the substituents of formula YXR" has been overcome, the rejection of claim 102 for lack of antecedent basis has been overcome, and the rejection of claim 1 and all claims dependent therefrom for incorporation of new matter has been overcome. The Examiner has also acknowledged that the rejection of the claims for obviousness-type double patenting over the 238, 661, and 168 patents has been withdrawn in view of the submitted terminal disclaimers.


Claims 1, 5-23, 26-32, 35-38, and 102-116 stand rejected under 35 U.S. C. § 112, first paragraph for allegedly lacking written description. Applicants traverse this rejection. As amended, the claims describe a class of glycopeptide antibiotics that include A₄-modified vancomycin attached to the C-6 position of the glucose residue having at least one substituent of the formula YXR, a description of which was acknowledged by the examiner as being in the application. (See Advisory Action dated March 31, 2006). In view of Applicants' statements made in its response filed February 28, 2006 and the statements contained in the attached declaration of Dr. Daniel Kahne (Exhibit A), an inventor of the present application, Applicants' respectfully request withdrawal of the lack of written description rejections and a Notice of Allowance of the pending claims.

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Claims 1, 5-23, 26-32, 35-38, and 102-116 stand rejected under 35 U.S. C. § 112, first paragraph for allegedly lacking enablement. Applicants traverse this rejection. As amended, the claims describe a class of glycopeptide antibiotics that include A₄-modified vancomycin attached to the C-6 position of the glucose residue having at least one substituent of the formula YXR, a description of which was acknowledged by the examiner as being in the application. (See Advisory Action dated March 31, 2006). The specification contains numerous examples and detailed analysis of how to make and use Applicants' invention as presented by the amended claims. In view of Applicants' statements made in its response filed February 28, 2006 and the statements contained in the attached declaration of Dr. Daniel Kahne, an inventor of the present application, Applicants' respectfully request withdrawal of the lack of enablement rejections and a Notice of Allowance of the pending claims.

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